COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 512, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1   Replace the effective dates in SECTIONS 3 through 4 with
2   "[EFFECTIVE UPON PASSAGE]".
3   Page 1, line 2, delete "JULY 1, 2005]:" and insert "UPON
4   PASSAGE]:".
5   Page 1, line 9, delete "JULY 1, 2005]:" and insert "UPON
6   PASSAGE]:".
7   Page 4, between lines 10 and 11, begin a new paragraph and insert:
8   "SECTION 3. IC 36-4-3-9 IS AMENDED TO READ AS
9   FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]:
10   Sec. 9. (a) A town must obtain the consent of both the metropolitan
11   development commission and the legislative body of a county having
12   a consolidated city before annexing territory within the county where
13   a consolidated city is located.
14   (b) This subsection does not apply to the following:
15   (1) A town:
16   (A) located in a county having a population of more than four
17   hundred thousand (400,000) but less than seven hundred
18   thousand (700,000); and
19   (B) that has a population of more than thirty thousand
20   (30,000).
21   (2) A town:

1	(A) located in a county having a population of more than one
2	hundred eighty thousand (180,000) but less than one hundred
3	eighty-two thousand seven hundred ninety (182,790);
4	(B) having a population of more than thirty thousand (30,000);
5	and
6	(C) located in a different county than the city.
7	A town must obtain the consent of the legislative body of a second or
8	third class city before annexing territory within three (3) miles of the
9	corporate boundaries of the city **unless:**
10	**(1) the town that proposes to annex the territory is located in**
11	**a different county than the city; or**
12	**(2) the annexation by the town is:**
13	**(A) an annexation under section 5 or 5.1 of this chapter; or**
14	**(B) consented to by at least fifty-one percent (51%) of the**
15	**owners of land in the territory the town proposes to annex.**
16	**(c) In determining the total number of landowners of the**
17	**annexed territory and whether signers of a consent under**
18	**subsection (b)(2)(B) are landowners, the names appearing on the**
19	**tax duplicate for that territory constitute prima facie evidence of**
20	**ownership. Only one (1) person having an interest in each single**
21	**property, as evidenced by the tax duplicate, is considered a**
22	**landowner for purposes of this section.**
23	(c) **(d)** Each municipality that is known as an included town under
24	IC 36-3-1-7 is also considered a town for purposes of this section.".
25	Page 4, line 14, strike "subsection" and insert "**subsections**".
26	Page 4, line 14, delete "," and insert "**and (e),**".
27	Page 4, line 18, reset in roman "sixty-five".
28	Page 4, line 18, delete "fifty-one".
29	Page 4, line 18, reset in roman "(65%)".
30	Page 4, line 18, delete "(51%)".
31	Page 4, line 20, reset in roman "seventy-five".
32	Page 4, line 20, delete "sixty-five".
33	Page 4, line 20, reset in roman "(75%)".
34	Page 4, line 21, delete "(65%)".
35	Page 4, after line 42, begin a new paragraph and insert:
36	"**(e) This subsection applies if:**
37	**(1) the territory to be annexed consists of not more than ten**
38	**(10) parcels; and**

3

1   **(2) eighty percent (80%) of the boundary of the territory**

2   **proposed to be annexed is contiguous to the municipality.**

3 **An annexation may be appealed by filing with the circuit or**

4 **superior court of a county in which the annexed territory is located**

5 **a written remonstrance signed by at least ninety percent (90%) of**

6 **the owners of land in the annexed territory as determined under**

7 **subsection (b) of this chapter.**".

8   Page 6, line 24, strike "following".

9   Page 6, line 24, after "conditions" insert "**set forth in clauses (A)**

10 **through (D) and, if applicable, clause (E)**".

11   Page 6, line 36, reset in roman "sixty-five".

12   Page 6, line 36, delete "fifty-one".

13   Page 6, line 36, reset in roman "(65%)".

14   Page 6, line 36, delete "(51%)".

15   Page 6, line 38, reset in roman "seventy-five".

16   Page 6, line 38, delete "sixty-five".

17   Page 6, line 39, reset in roman "(75%)".

18   Page 6, line 39, delete "(65%)".

19   Page 6, between lines 40 and 41, begin a new line double block

20 indented and insert:

21   **"(E) This clause applies only to an annexation in which**

22   **eighty percent (80%) of the boundary of the territory**

23   **proposed to be annexed is contiguous to the municipality**

24   **and the territory consists of not more than ten (10) parcels.**

25   **At least ninety percent (90%) of the owners of land in the**

26   **territory proposed to be annexed oppose the annexation as**

27   **determined under section 11(b) of this chapter.**".

28   Page 8, line 5, delete "JULY 1, 2005]:" and insert "UPON

29 PASSAGE]:".

30   Page 8, line 5, after "IC 36-4-1-5" delete ";" and insert ".".

31   Page 8, delete line 6.

32   Page 8, line 7, delete "JULY 1, 2005]" and insert "UPON

33 PASSAGE]".

34   Page 8, line 8, delete "July 1," and insert "**January 1,**".

35   Page 8, between lines 11 and 12, begin a new paragraph and insert:

36   "SECTION 8. [EFFECTIVE UPON PASSAGE] **(a) A town that**

37 **began conversion into a city under IC 36-4-1, as in effect before**

38 **January 1, 2005, may complete its conversion into a city under this**

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1   **SECTION.**

2   **(b) The town legislative body must adopt an ordinance**

3   **providing for the transition from governance as a town to**

4   **governance as a city. The ordinance must include the following**

5   **details:**

6   **(1) A division of the town into city legislative body districts as**

7   **provided in the applicable provisions of IC 36-4-6.**

8   **(2) Provisions for the election of the following officers:**

9   **(A) The city executive.**

10   **(B) The members of the city legislative body.**

11   **(C) The city clerk or city clerk-treasurer as appropriate**

12   **under IC 36-4-10.**

13   **(3) That the first election of the city officers will be held in a**

14   **special election on November 8, 2005, as provided in this**

15   **SECTION.**

16   **(4) Subject to subdivision (5), the term of office of each city**

17   **officer elected at the November 8, 2005, special election.**

18   **(5) The term of office of each city officer elected at the special**

19   **election may be as follows, as provided in the ordinance:**

20   **(A) The term of office of a city officer may expire January**

21   **1, 2007. The successor of a city officer described in this**

22   **clause shall be elected at the November 7, 2006, general**

23   **election and serve a term of four (4) years, beginning**

24   **January 1, 2007.**

25   **(B) The term of office of a city officer may expire January**

26   **1, 2008. The successor of a city officer described in this**

27   **clause shall be elected at the November 6, 2007, municipal**

28   **election and serve a term of four (4) years, beginning**

29   **January 1, 2008.**

30   **(C) The term of office of a city officer may expire January**

31   **1, 2009. The successor of a city officer described in this**

32   **clause shall be elected at the November 4, 2008, general**

33   **election and serve a term of four (4) years, beginning**

34   **January 1, 2009.**

35   **The ordinance may provide for different terms of office of the**

36   **city officers elected at the November 8, 2005, special election**

37   **in order to provide for staggered terms of office.**

38   **(6) Any other details the town legislative body considers useful**

1   in providing for the transition of the town into a city.

2   **(c) If a town legislative body adopts an ordinance under this**

3   **SECTION, a copy of the ordinance must be filed with the circuit**

4   **court clerk of each county in which the town has territory.**

5   **(d) Notwithstanding IC 3-10-8-5, candidates for a city office**

6   **elected under this SECTION shall be nominated as follows:**

7   **(A) If a candidate is affiliated with a major political party,**

8   **the candidate shall be nominated by a declaration of**

9   **candidacy. A declaration of candidacy must be filed not**

10 **earlier than July 27, 2005, and not later than August 26,**

11 **2005. Except as provided in this SECTION, IC 3-8-2**

12 **applies to a declaration of candidacy filed under this**

13 **SECTION.**

14 **(B) If a candidate is not affiliated with a major political**

15 **party, the candidate may be nominated by a petition of**

16 **nomination. A petition of nomination must be filed not**

17 **earlier than July 27, 2005, and not later than August 26,**

18 **2005. Except as provided in this SECTION, IC 3-8-6**

19 **applies to a petition of nomination filed under this**

20 **SECTION.**

21 **(C) If a candidate wants to be a write-in candidate, the**

22 **candidate shall file a declaration of intent to be a write-in**

23 **candidate not earlier than July 27, 2005, and not later than**

24 **August 26, 2005. Except as provided in this SECTION,**

25 **IC 3-8-2 applies to a declaration of intent to be a write-in**

26 **candidate filed under this SECTION.**

27 **(e) The provisions of an ordinance adopted under this section**

28 **are subject to all other laws governing the structure of city**

29 **government.**

30 **(f) Subject to this chapter, the town legislative body or the city**

31 **legislative body (after the town is changed into a city) may amend**

32 **an ordinance adopted under this section.**

33 **(g) A candidate who files a valid declaration of candidacy or a**

34 **petition of nomination shall be placed on the special election ballot**

35 **for the office the candidate seeks. Candidates shall be placed on the**

36 **ballot in the order that the candidates file a declaration of**

37 **candidacy or petition of nomination. A candidate's political**

38 **affiliation shall be indicated on the ballot next to the candidate's**

1   name. If a candidate is an independent candidate, that fact shall be
2   indicated on the ballot next to the candidate's name. If there are no
3   declared write-in candidates for an office, the ballot is not required
4   to include a space for voters to insert the name of a write-in
5   candidate for that office.
6   (h) The candidate who receives the most votes for election to a
7   city office at the November 8, 2005, special election is elected to that
8   office.
9   (i) Except as provided in this SECTION, a special election held
10   under this SECTION is subject to all provisions of IC 3 applicable
11   to a special election.
12   (j) A town that elects its city officers under this SECTION
13   becomes a city on January 1, 2006.
14   (k) The acts, contracts, and obligations of a town that is changed
15   into a city under this SECTION become the acts, contracts, and
16   obligations of the city.
17   (l) The ordinances, rules, and regulations of a town that is
18   changed into a city under this SECTION continue in effect as
19   ordinances, rules, and regulations of the city until amended or

1   **repealed.**

2   **(m) This SECTION expires January 1, 2009.**".

3   Renumber all SECTIONS consecutively.

           (Reference is to SB 512 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 3.

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                Riegsecker   **Chairperson**